

The Mayor and Council of Hurlock

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ROBERT MERRIKEN
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COUNCIL MEMBERS
CHARLES T. CEPHAS, SR.
PARKER J. DURHAM
BONNIE FRANZ
EARL H. MURPHY
JERRY L. RHUE, SR.

MINUTES OPEN SESSION MEETING June 8, 2015 6:00 P.M.

Mayor Spratt called the meeting of June 8, 2015, to order at 6:00 p.m. in the Hurlock Town Office located at 311 Charles Street. Following the Pledge of Allegiance Chief of Police, Les Hutton said the opening prayer. The roll call was then taken. Those in attendance were: Council members Jerry Rhue, Bonnie Franz, Charles Cephas, Earl Murphy, Attorney Robert Merriken, Mayor Joyce Spratt, and Administrator John Avery.

Councilman Cephas made a Motion to approve the Agenda. Councilwoman Franz seconded the Motion. With all in favor and no one opposed, the Motion was passed and carried with a vote of 4-0.

Councilman Murphy made a Motion to approve Minutes. Councilwoman Franz seconded the Motion. Councilman Rhue abstained from voting. With a vote of 3-0, the Minutes were approved.

County Councilman Rick Price Report – Councilman Price reported that the County Council had approved a budget transfer application, and an application for CDBG grants for a home for the mentally disabled. They also approved 57 miles of line stripping. Mayor Spratt and Administrator Avery asked about the road repairs in the upper county. Councilman Murphy asked how much was left in funds for CDBG. Councilman Cephas asked if the Town might need to piggy back with the County services.

Mayor's Report - Mayor Spratt spoke about how nice Fooks warehouse looked. She stated there were approximately 1000 kids in town the past weekend playing ball at the ball field. The Mayor announced that State Comptroller Peter Franchot would be visiting the Town of Hurlock this coming Friday. Harry, from Food Rite in Town is holding a ribbon cutting ceremony for a

grand reopening next Saturday. Mayor Spratt spoke of how nice the store looks inside. Mayor Spratt said she does not attend private meetings and feels all issues should be before the whole council. The Mayor and Administrator Avery met last Friday with Nanticoke Health Services and announced they have plans to expand. This is very important to the community and she asks that Town residents support them.

Department Reports – Administrator Avery reported on the Watermain Replacement bid opening.

Chief of Police Les Hutton reported that the town has been quiet for the past two weeks. There were a few arrests. Nar Con Training is being held for overdoses. They are waiting on a legal opinion. The Chief spoke to Sheriff Phillips and they will take the training but will not administer.

David Carrier reported that the Hurlock Fire Company had many calls in the last two weeks. Mr. Carrier also announced that the new Air Mac will be in service. Mayor Spratt asked how their fund raising was going. Mr. Carrier stated the members are going from business to business asking for donations.

Attorney Merriken spoke about the rezoning of 206 and 210 S. Main Street. He explained the “finding of fact” and exhibits that were presented to the Council. He said the language is based on what was heard from Councilmembers. Mr. Merriken explained the three questions in the Findings of Fact that need to be answered. There was considerable discussion regarding this matter between the Councilmembers. Councilman Rhue felt the facts are all there. The opposition is not a high percentage of residents. Some of the people that signed a petition are not town residents and there were not many residents in attendance at the meeting.

Councilman Cephas stated both sides had excellent attorneys and they both had good evidence. He would like to hear the transcripts. He stated that he hated to see the residents in the neighborhood have something they don’t want. Councilman Cephas stated that he would like to have time to talk to the developer. Councilman Cephas made other comments stating that he wants to bring business to town but there needs to be more work done on this before going forward with a vote.

Councilman Murphy began to make a Motion. Attorney Merriken directed him to the questions in the “Findings of Fact” that needed to be answered. He felt that the applicant did not prove a mistake was made in the last rezoning.

Mr. Merriken explained the questions:

1. Did the applicant meet their burden of proof that there was a mistake in the rezoning of 206 S. Main St.
2. Has the applicant met their burden of proof that there has been a substantial change in

the character of the neighborhood to allow the rezoning as to both 206 and 210 S. Main St. since the last Comprehensive Rezoning in 1990.

3. Does the Council decide to exercise its legislative authority to grant the Applicant's rezoning request.

(Email from Mr. Merriken with the questions is attached)

Councilman Murphy motioned to vote on question 1 with a second by Councilman Cephas. The motion was put to a vote:

Cephas	Yea
Murphy	Nay
Franz	Yea
Rhue	Yea

The motion passed 3 Yea, 1 Nay

Councilman Murphy motioned to vote on question 2 with a second by Councilman Rhue. The motion was put to a vote:

Cephas	Nay
Murphy	Yea
Franz	Nay
Rhue	Yea

The motion failed 2 Yea, 2 Nay

Mr. Merriken explained that it leaves question 3 in regards to only 206 S. Main St.

Councilwoman Franz motioned to vote on question 3 with a second by Councilman Murphy.

The motion was put to a vote:

Cephas	Nay
Murphy	Nay

(After asking for a clarification he stated that he felt the burden of proof was not met. He is in favor of the rezoning and is very upset that he has to vote this way)

Franz	Nay
Rhue	Abstain

(After stating he has feelings of being confused)

The motion failed – 3 Nay, 1 Abstain

Councilman Murphy made a Motion to rezone the two properties. Attorney Merriken stated he would have to go back and look at other questions. There was no 2nd to the Motion. The Motion died, the rezoning did not pass.

Administrator Avery explained the budget. Mayor Spratt asked questions.

Councilman Cephas made a Motion to add \$20,000.00 in the budget for the police, municipal, and fire department workers to help with the purchase of first home. He felt this would be an incentive for people to work for the Town. There was no second to the Motion, therefore the Motion died.

There was discussion on adding monies in the budget for contributions. Considerable discussion

ensued regarding donations.

Attorney Merriken did not propose amending the budget.

Councilman Murphy made a Motion to accept the budget as presented. Councilwoman Franz seconded the Motion. The Motion passed with a vote of 3-0. Councilman Cephas abstained.

Attorney Merriken read and explained fines for the Anti-Urination Ordinance. It is sponsored by Councilman Cephas. With all in favor and no one opposed, the Ordinance passed with a vote of 4-0.

Attorney Merriken read the Draft of the Bond Ordinance for the new police station. The Ordinance was only introduced, not voted on.

Council Comments – Councilman Cephas spoke about a new council member. The council consensus was to wait until the next election. He felt that this meeting showed how decisions are made, some popular, some not. He stated that one important thing is understanding the need for infrastructure. The Mayor has done everything right in bringing new businesses to the Town, but he felt that the residents of the Town should help. Make it known that the Town of Hurlock does want new businesses here.

Councilman Murphy said he believed in the rezoning, but the last two meetings showed that there is a group of citizens that are concerned about where those businesses are in the Town. He urged everyone to attend the grand opening on Saturday at Food Rite.

Councilwoman Franz felt the same way as Councilman Cephas.

Councilman Rhue hoped that what happened with the rezoning will not affect other opportunities.

Mayor Spratt spoke about how 8 years ago the Town tried to get a Food Lion to locate in the town. The Town has spent money trying to get the Dollar General into the Town and she felt that it would not put anyone out of business. Mayor Spratt said she will continue to work forward for the Town.

Public Comments – Paul Grahe felt like a train wreck happened at the meeting. He spoke of other areas that have businesses in residential areas. He is all for moving forward and urges residents to put an effort into cleaning up the town.

Monroe Quales spoke about the Ethics Committee; it has not met recently. Mayor Spratt said there have not been any complaints that needed to be addressed. Attorney Merriken stated he would look into the requirements for Ethics Commission meetings, etc.

Blanch Powell said she hoped that everyone would take some positive out of tonight's situation and look for what the Town wants then go after it.

Janie Kellenbenz complained about the lights at the ball park.

A resident spoke about her son riding with police officer Mitton. He won the ride from a raffle held at the Hutton fundraiser. Her feelings are that Hurlock's police department is top notch. She commended Chief Hutton for the work he has done with the police force.

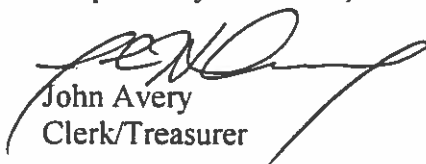
J.C. Collins addressed some issues regarding houses he purchased 10 years ago. He spoke on the discrepancy of the infrastructure. He said there is another franchise that wants to come to the same block that Dollar General would have been located. He has been working on this for a month.

Cedric Turner announced that an event would be held at Prospect Park on June 20th beginning at 1:00 p.m.

There being no further business or discussion in the Open Session Meeting, Council man Murphy made a Motion to move into Closed Session for discussion of personal financing. Councilman Cephas seconded the Motion. With all in favor and no one opposed, the Motion was passed and carried with a vote of 4-0

The meeting was adjourned at 7:55 p.m. and the council would not be returning to the Open Session Meeting.

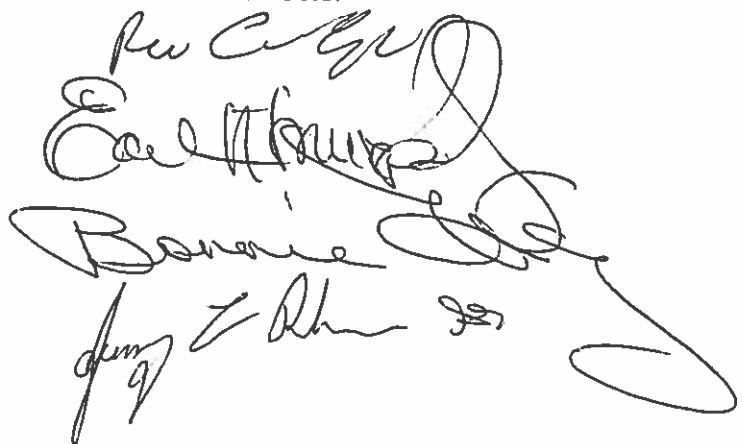
Respectively submitted,


John Avery
Clerk/Treasurer

Approved: Mayor Spratt:



Council members:



ggv